

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

**CARMEN MARRERO HERNANDEZ, et  
al.,**

**Plaintiffs,**

**v.**

**ESSO STANDARD OIL COMPANY  
(PUERTO RICO); CARLOS  
RODRIGUEZ PEREZ,**

**Defendants.**

**CIVIL NO. 03-1485 (GAG)(JA)**

**OPINION AND ORDER**

The Court on this date has entered an order denying defendant's summary judgment motion (Docket No. 974). Accordingly, the case shall proceed to trial as scheduled on Tuesday, February 17, 2009.

The parties, at this juncture, are highly encouraged and expected to engage in serious settlement negotiations. On the one hand, defendant at trial exposes itself to significant liability. On the other hand, plaintiffs expose themselves to an adverse verdict or judgment as a matter of law, following hundreds of hours invested in this case; the fact that summary judgment has not been entered does not preclude such action at trial. The court accordingly ORDERS the parties to inform via joint motion (the same may be filed under seal) whether there is a realistic chance of settlement in this case. Said motion must be filed no later than Friday, February 13 at 9:00 a.m.. If warranted, the court will meet with counsel to resolve this case with finality, even over the long weekend.

**SO ORDERED.**

In San Juan, Puerto Rico this 10th day of February, 2009.

*S/ Gustavo A. Gelpi*

GUSTAVO A. GELPI  
United States District Judge